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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/159,833	09/24/1998	KENICHI UTSUMI	1990.62597	5612

24978 7590 03/06/2003

GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO, IL 60606

EXAMINER

JACKSON, JENISE E

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 03/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/159,833

Applicant(s)

UTSUMI ET AL.

Examiner

Jenise E Jackson

Art Unit

2131

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. **ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).**

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see below.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: 3,4,6-17,19 and 20.

Claim(s) rejected: 1,2,5 and 18.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 10. Other: 1, on paper number 13, dated February 11, 2003, the Applicant states that claims 1 and 18 have been amended to a storing apparatus is for use with a computer-based system. The Examiner asserts that by merely amending claims to a storing apparatus is for use with a computer-based system, is not substantial enough to apply new art to the claims. Further, the Applicant states that the none of the cited references disclose the features of a password and a general access password, and that the Examiner acknowledged this during the interview. The Examiner disagrees, the Examiner did not acknowledge that the limitations of a password and the general access password were not taught in the cited references. The Examiner and the Applicant discussed the the invention, and as per the Interview Summary, which was conducted on January 29, 2003, states that, as understood by the Examiner, the invention involve two passwords. However, the Examiner asserts that by merely acknowledging the that the invention involves two passwords, is not reflected in the claims. The claims were not amended to reflect the Applicant's invention of two separate passwords. The claims are broad, and are still rejected under Rupp and Hideo, both references disclose a a general access password and a password.

The Applicant states that the references that were applied Rupp Corporation and/or Hideo are not disclosed or suggested by claims 1-2, 5 and 18, the Examiner disagrees(see paper 11, pg. 3-5). The Applicant also states that the reference Rupp discloses a default password to lock the hard drive, and Hideo reference discloses and IC card to match a password stored in memory. The Applicant states that the present invention discloses when an authorized usage is initiated by the default input password(i.e. stored in memory) or a user input password(i.e. entered by a first user) matching the access password, a second user can then access the medium continuously(specification, pg. 5, lines 18-24). The Applicant further states that once the second user finishes the work, the default input password is changed in order to end the authorized usage of the medium(spec, pg. 43, lines 21-24). The Applicant also states that only the default input password is changed, and the access password is not changed. The Examiner asserts that the remarks above are not reflected in the claims, the Applicant is refering to the specification. The Examiner is not to incorporate the specification into the claims. The claims do not reflect the Applicant's remarks above, and therefore, remain rejected.

The Applicant states that Rupp reference discloses the master password and the default password do not correspond to the access password and the default input password as recited in the claims. First the Applicant is urged to look at the claims, a default password is not claimed. Further, as per default input password and master password, there is no specific argument of why these passwords do not meet the claims. Furthermore, the Applicant states that Rupp reference relates to different benefits and purposes from the present invention. If the Applicant wishes to have specific claim features relating to benefits and purposes it should be claimed.

As per the Hideo reference, the Applicant states that the same password is then stored on the card. The Examiner asserts that nothing in the claims require the passwords to be different. The Examiner used Hideo for a storing apparatus for protecting access to information on a card by a password, and a password preserving unit that stores a default password(information previously stored on the card) and a password for access protection(password stored on the card), both passwords are compared for access(see previous rejection, pg. 4-5).

The Applicant states that the default input password which is not claimed in claims 1 or 18, and the access password are two separate and independent passwords stored in the password preserving unit. Again claims 1 and 18, are broad, and claim a general access password and the password, there is nothing claimed that requires two separate and independent passwords. Again, the claimed invention is broad enough to cover a password that is stored in storage and is compared to the a default input password or and input password.

The Applicant also states that the Hideo reference has different benefits and purposes from the invention. If the Applicant wishes to have specific claim features relating to benefits and purposes it should be claimed.


GAIL HAYES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100